

IRA DANIEL TOKAYER, ESQ. (4734)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT HERSKOWITZ,	:	Index No. 04 CV 04582 (JSR)
	:	ECF CASE
Plaintiff,	:	
- against -	:	<u>JURY TRIAL DEMANDED</u>

NACHMAN KANOVSKY,	:
Defendant.	:

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COMPLAINT

Plaintiff, Robert Herskowitz, by his attorney, Ira Daniel Tokayer, Esq., as and for his Complaint, alleges as follows:

THE PARTIES

1. Plaintiff Robert Herskowitz is an individual with a residence in the State of New York.

2. Upon information and belief, defendant Nachman Kanovsky is an individual with a residence in the State of New Jersey.

JURISDICTION AND VENUE

3. The action is a civil action between plaintiff, a citizen of the State of Florida, and defendant, a citizen of the State of New Jersey, and the matter in controversy exceeds the

sum of \$75,000, exclusive of interest and costs. Thus, this Court has original jurisdiction under 28 U.S.C. § 1332.

4. Venue lies in this District pursuant to 28 U.S.C. § 1391(a) as plaintiff has a residence in this District, a substantial part of the events giving rise to the claim occurred in this District, and/or defendant is currently subject to personal jurisdiction in this District.

CLAIM
(Breach of Contract)

5. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 4 of the Complaint as if separately set forth herein.

6. On August 1, 2000, plaintiff agreed to pay defendant \$50,000 and defendant agreed, inter alia, to immediately assign any and all of his rights and/or interest in Urban Cool Network, Inc., stock to whomever plaintiff desired.

7. Plaintiff paid defendant \$50,000 pursuant to the agreement.

8. Defendant breached the agreement by failing to assign his rights and interest in Urban Cool Network, Inc., stock as plaintiff requested, despite due demand.

9. By reason of the foregoing, plaintiff has been damaged.

RELIEF DEMANDED

WHEREFORE, plaintiff respectfully requests that the Court enter Judgment in favor of plaintiff and against defendant in an amount to be determined at trial, but in all events not less than \$100,000; together with the costs and disbursements of this action; and for such other and further relief as to this Court may seem just and proper.

Dated: New York, New York
June 17, 2004

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Complaint 02A.wpd

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues triable of right by a jury.

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